

## REMARKS

Claims 1-2, 4-10, 12-15, 17, 18, 20, 29, 31 and 32 are pending in the application. Claims 1-2, 4-10, 12-15, 17, 18, 20, 29, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent number 5,796,952 to Davis, et al. ("Davis") in view of U.S. patent number 6,606,657 to Zilberstein, et al. ("Zilberstein").

### Independent Claim 1

Claim 1 stands finally rejected. The cited references fail to disclose all limitations of claim 1. In Davis, a web-based tracking program is embedded in a file. The file is, in turn, downloaded to a client device. Davis is limited to "tracking the use and interaction of a user with a resource downloaded from a server on a network by *use of a tracking program embedded in the resource* and executable by a client." (col. 2, lines 4-7). (*emphasis added*).

Claim 1 has been amended to clarify that the client monitoring agent is created by a client service that is installed on the client device. The tracking program in Davis is embedded in a network resource, not on a client device. Additionally, Claim 1 is further amended to clarify that the associated monitoring profile is user specific.

Furthermore, applicant has thoroughly examined the cited references and cannot find the element "being operative to monitor usage of said client device in accordance with the monitoring profile" anywhere in the cited references. Davis' tracking program does not include monitoring profiles. However, this element of claim 1 is further amended to clarify that the monitoring profile is user specific by adding the text emphasized: "being operative to monitor usage of said client device in accordance with the monitoring profile *for the user*." (*emphasis added*). Support for these amendments can be found in p. 9, lines 29-33; p. 12, lines 29-32; p. 13, lines 22-24; figures 3a; 3b.

### Independent Claim 9

The cited references fail to disclose all limitations of claim 9. Similar to claim 1, claim 9 has been amended to clarify that the client monitoring agent is created by a client service that is

installed on the client device. Additionally, Claim 9 is further amended to clarify that the associated monitoring profile is user specific.

Independent Claim 14

The cited references fail to disclose all limitations of claim 14. Similar to claims 1 and 14, claim 14 has also been amended to clarify that the monitoring profile is user specific. Furthermore, claim 14 has been further amended to clarify that the method includes the steps of requesting a user associated monitoring profile, receiving the profile, and creating a client monitoring agent to monitor the user's activity.

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With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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